

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 5:09cr8DCB-JCS

MALCOLM J. TRIPLETT

AGREED ORDER OF CONTINUANCE

This cause having come before the Court at the request of the parties to continue this matter presently set for a change of plea on August 25, 2009, and the Court having considered said ore motion, finds that the ore motion is well taken, and is hereby granted, and that the period of time from the arraignment of this defendant to August 25, 2009, shall be excluded in computing the time within which the trial of this matter should have commenced in accordance with the Speedy Trial Act, 18 U.S.C. §3161.

Also having duly considered the factors articulated in Title 18, Section 3161(h)(1)(B) to determine the appropriateness of a continuance, the Court finds that the there are allegations of outstanding charges pending against this defendant, and the allegations of potential new charges require additional time for both parties to determine the effect of same on the plea negotiations and/or trial of this matter, and pursuant to Title 18, Section 3161(h)(7)(A) of the United States Code, the ends of justice outweigh the best interests of the public and the defendant in a speedy trial in this cause and are best served by granting the requested continuance.

The Court finds that the defendant has agreed that the speedy trial clock shall begin on August 26, 2009, and specifically joins in this motion for a continuance for the reasons described

above.

IT IS THEREFORE ORDERED that this matter be continued until the court's next criminal trial calendar, October 7, 2009 , and that the period of delay from the date of arraignment to August 25, 2009, shall be excluded in computing the time within which the trial of this matter commence in accordance with the Speedy Trial Act, 18 U.S.C. §3161.

SO ORDERED this the 27th day of August, 2009.

s/ David Bramlette
United States District Judge

AGREED:

s/ Glenda R. Haynes
GLENDA R. HAYNES
Assistant U.S. Attorney

s/ Kathy Nester
KATHY NESTER
Counsel for Defendant